

Application No. 10/694,366  
Amendment Dated May 16, 2006  
Reply to Office Action of August 10, 2005

### **REMARKS**

In the Office Action dated November 16, 2005, all of pending claims 1-36 were rejected by the Examiner. In response, Applicant has canceled claim 2 and rewritten claims 1 and 3. In view of the above amendments and following remarks, reconsideration of this application is requested.

Before turning to the rejection of record, Applicant would like to briefly summarize the amendments made to claim 1. First, the random RCP copolymer ingredient of claim 1 has been amended to incorporate the limitations of original claim 2 therein. More specifically, the random RCP copolymer has now been further defined as having a specific density, a specific melt flow rate and a specific melting point. With regard to the melt flow rate, the Examiner will see that rather than the unlimited upper end range contained in original claim 2, Applicant has specified that the melt flow rate must be about 5g/10 min. to about 200g/10 min. Support for the amendment adding the density, melt flow rate and melting point can obviously be found in original claim 2. In addition, the specific range for the melt flow rate now incorporated can be found in the specification as filed at page 15, lines 1-4.

Claim 1 has also been amended to require 5% to 60% by weight of an APAO polymer. Support for this amendment can be found in the application as filed beginning at page 15, line 12 and continuing through page 16, line 13. In addition, the specific lower limit of 5% can be found in Table 6 on page 36 of the specification wherein Examples 17 and 18 contain 5% Eastoflex. Thus, no new matter has been added to claim 1.

Finally, claim 1 has been amended to specify 2% to 40% by weight of a secondary polymer "to provide desired physical properties for said composition." Support for this amendment can be found in the specification as filed as for example beginning at page 21, line 15 and continuing through page 24, line 4. The lower limit of 2% is described at page 21, line 17. The phrase "to provide desired physical properties for said composition" can be found in the specification at page 23, lines 17 et. seq.

The cancellation of original claim 2 to incorporate its limitations into claim 1, necessitated the amendment of claim 3 to change the dependency thereof. Claim 3 now properly depends from claim 1 rather than claim 2, which has herein been canceled.

In the Office Action, claims 1-36 were rejected under 35 USC §102(b) as being anticipated by Karandinos et al WO 01/46277. The Examiner specifically referred to Example 4, Table 4 and claim 19 therein as describing an adhesive composition containing a polymer ingredient comprising a propylene/1-hexene random copolymer and tackifier. Applicant, however, believes claim 1, as now amended, is clearly distinguishable over Karandinos et al for the following reasons.

First, Karandinos et al requires the random copolymer to have a melt flow rate greater than about 250dg/min at 230°C. This is specified in claim 19 and at page 28, line 22 through page 29, line 5 of Karandinos et al. It should be noted that the melt flow rate specified in Karandinos et al relates to the polymer or polymer blends per se in the adhesive composition. Applicant refers the Examiner specifically to page 29, lines 3-5. Thus, the adhesive composition of Karandinos et al requires a polymer or blend of polymers as one of its ingredients which has a melt flow rate greater than 250dg/min at 230°C. In contrast, Applicant's RCP copolymer has a melt flow rate of about 5g/10 min to about 200g/10 min which is significantly lower than what is disclosed in Karandinos et al. It should be noted by the Examiner that 250dg/min is equivalent to 250g/10 min. In addition, the Examiner should note that both Applicant and Karandinos et al measure melt flow rate using the same test method. More specifically, Applicant refers the Examiner to page 46, lines 5-6 wherein Karandinos et al states that the melt flow rate is measured according to the ASTM D-1238 test method. Applicant utilized the same standard, and Applicant refers the Examiner to page 15, lines 3-4 of the present patent application wherein Applicant states that it also measured melt flow rate via the ASTM D-1238 test method. Thus, the random copolymer defined in Karandinos et al is not the same as the random copolymer defined by Applicant.

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In addition, Applicant now requires 5%-60% by weight of an APAO polymer in claim 1. There is no mention of utilizing an APAO polymer in Karandinos et al. Applicant adds the APAO in order to increase the adhesion capability of the random RCP copolymer as well as to increase the flexibility of the copolymer. Karandinos et al mentions nothing about adding an APAO polymer to increase adhesion and/or flexibility of the random RCP copolymer ingredient.

Finally, claim 1 now requires 2%-40% by weight of a secondary polymer to provide desired physical properties for the composition. These polymers are added by Applicant to modify specific properties and/or characteristics of the adhesive composition. Examples include increasing or decreasing elasticity, adhesion, low temperature resistance, high temperature resistance, creep resistance, cohesive strength and pressure sensitivity of the adhesive composition. Applicant refers the Examiner to current claims 30-36 as well as the specification beginning at page 23, line 17 et. seq. In contrast, the only mention of a "secondary polymer" in Karandinos et al can be found for example at page 32, lines 11-15 wherein Karandinos et al states that the adhesive composition may include a blend of the random copolymer and a crystalline polymer. Then, at page 33, lines 6-7, it defines the crystalline polymer as being an isotactic polypropylene. However, there is no discussion in Karandinos et al that a variety of secondary polymers can be added to provide desired physical properties for the composition.

Applicant notes that claim 1 now specifically requires at least a three polymer blend of a random RCP copolymer, an APAO polymer, and a secondary polymer. Karandinos et al clearly does not teach a three component polymer blend, and does not teach why all three polymers are needed in an adhesive composition. At best, Karandinos et al teaches a two component polymer blend. Accordingly, Applicant believes claim 1, as now amended, is distinguishable from Karandinos et al.

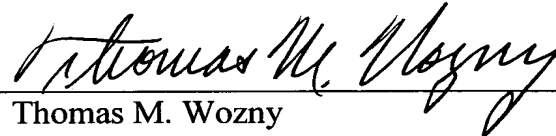
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An effort has been made to place this application in condition for allowance and such action is earnestly requested.

Respectfully submitted,

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